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This President Wants Silence By Censorship

Reagan's new rule could gag officials for life

By Frank Snapp

WHEN THE SUPREME Court ruled against me in 1980 and upheld the enforceability of government secrecy agreements, my father — who is a conservative superior court judge — predicted that "one of these days some patriot in the White House will realize the power the Brethren have given him," and saddle us with a system of censorship such as we've never seen in this country.

My father has been proven right. President Reagan, citing *Snapp v. U.S.*, has decreed that every bureaucrat "with authorized access to classified information shall be required to sign a nondisclosure agreement."

This order will obligate some bureaucrats to submit all work-related writings for government censorship for the rest of their lives. And the Supreme Court made clear in my case that these government workers won't even have to sign secrecy agreement to become censorship candidates. All they have to do is get assigned to an official "position of trust" with "conceded access to confidential sources and materials." From that point on, they're implicitly obligated not to publish anything, classified or not, about their work, without official approval. Forever.

In a "fact sheet" attached to the Reagan order, the Justice Department reminds all bureaucrats of this implicit "fiduciary duty." This clears the way for a censorship system that is virtually open-ended.

Steven Garfinkel, the official responsible for monitoring governmentwide security programs, has conceded to Congress that though he can't say for sure how many bureaucrats traffic in classified information, at least 65 official departments and agencies do. The mind boggles at the potential number of gag victims this estimate implies. The 11 agencies that make up the U.S. intelligence community, by themselves, are 200,000-strong.

In practical terms, if the Reagan order is enforced, many of the turnstile bureaucrats who come and go with each administration will be out of business.

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Heritage Foundation who've served the Reagan White House be happy about being censored by the liberal constituents of a Mondale, Glenn or Cranston administration?

You don't need a definitive answers to these questions to view the Reagan order as ill-conceived and dangerous.

Predictably, the administration has had a problem selling its scheme. Deputy Assistant Attorney General Richard Willard, principal author of the Reagan directive, initially claimed that the secrecy agreements were needed to stem a flood tide of leaks which "has increased in severity over the past decade." But then Garfinkel, the government's designated auditor of leaks, conceded to a congressional subcommittee that only a half-dozen leaks had been reported to his office in the past three years.

Willard tried to recoup. In a TV interview, he said it wasn't the quantity or severity of leaks that necessitated the gag rule. Rather, it was the worries of our allies — their "lack of confidence in our government's ability to keep secret important information."

Since most of our allies (witness the British) have far more stringent secrecy regulations than we do — and far more serious security problems — Willard's attempt to justify the Reagan directive is a token of how desperate his case has become. And no wonder. Numerous authoritative voices have been raised against its assumptions.

Writing in *Foreign Policy* last fall, former CIA Director Stansfield Turner declared: "Fortunately, while several leaks about actual espionage in the past six or seven years have involved serious breaches of security, very little information harmful to U.S. intelligence interests has been revealed. In short, the impression that intelligence agencies cannot keep secrets is highly exaggerated."

Former Deputy CIA Director Bobby Inman has also cast doubt on the wisdom of the administration crackdown. Last winter he told U.S. News & World Report that the

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